



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

June 8, 1998

Mr. Robert F Maxfield
Legal Advisor
Sheriff's Office
Frank Crowley Courts Bldg
133 North Industrial Blvd
Dallas Texas 75207-4313

OR98-1414

Dear Mr. Maxfield:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 116011.

The Dallas County Sheriff's Office (the "Sheriff's Office") received a request for any records concerning altercations (including physical and verbal encounters) involving one or more inmate, officer, or jail employee for the period of January 1996 through March 1998. You claim that the request is vague and overly broad and that "to comply with this request would be time consuming and expensive." You indicate that "compliance with this request would require a search of all records of individuals booked into and/or held in the Dallas County jail, and a search of all records of all employees of the Sheriff's Department either assigned to one of the Dallas County jail facilities." You also explain that attempts to clarify or narrow the request have been unsuccessful. Gov't Code § 552.222. Thus, you ask whether you must comply with this request for information. You raise no exceptions to disclosure for the requested information.

Numerous opinions of this office have addressed situations in which a governmental body has received either an "overbroad" written request for information or a written request for information that the governmental body is unable to identify. Open Records Decision No. 561 (1990) at 8-9 states:

We have stated that a governmental body must make a good faith effort to relate a request to information held by it. Open Records Decision No. 87 (1975). It is nevertheless proper for a governmental body to require a requestor to identify the records sought. Open Records Decision Nos. 304 (1982); 23 (1974). For example, where governmental bodies have been presented with broad requests for information rather than specific records we have stated that the governmental body may advise the requestor of the types of information available so that he may properly narrow his request. Open Records Decision No. 31 (1974).

In response to the request at issue here, the Sheriff's Office must make a good-faith effort to relate the request to information in its possession and must help the requestor to clarify her request by advising him of the types of information available. The requestor here has asked for enumerated, specific types of information and has limited the search to a period of years. You do not indicate that responsive information does not exist or that it cannot be located. Rather, you simply object to the scope of the request. Although the scope of the request may include a large amount of information, we do not believe that you may simply ignore the request because you believe it to be burdensome. Gov't Code § 552.221. You must make a good-faith effort to produce the requested records. Because you raise no exception to disclosure, any responsive information must be immediately released. Gov't Code §§ 552.301, .303(e); Open Records Decision No. 497 (1988) (The fact that submitting copies for review to the Attorney General may be burdensome does not relieve a governmental body of the responsibility of doing so.).

While we find that you must respond to the request for information, we point out that appropriate charges may be assessed for the requested copies. Gov't Code §§ 552.261 - 552.274. Because of the amount of information that is likely to be responsive to this particular request, charges for costs of photocopying, materials, labor, and overhead appear to be in order. Gov't Code § 552.261. Generally, the charges for providing public information are established by the General Services Commission. Gov't Code § 552.262. If you have any concerns about charges for public information, we suggest that you contact the Open Records Administrator for the General Services Commission to resolve any cost questions.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in dark ink, appearing to read "Don Ballard". The signature is fluid and cursive, with the first name "Don" and last name "Ballard" clearly distinguishable.

Don Ballard
Assistant Attorney General
Open Records Division

JDB/mjc

Ref: ID# 116011

cc: Ms. Cathy Lucas
KTVT Chanel 11
5233 Bridge Street
Fort Worth, Texas 76103